



FACT SHEET

TOBACCO SALES TO MINORS (THE SYNAR AMENDMENT)

History

The Synar Amendment is a federal law that requires states to monitor tobacco sales to minors. The law was enacted in 1994 and has since been amended. The Synar Amendment requires states to conduct annual, random, unannounced inspections of retail outlets accessible to youth to determine if tobacco is being sold to minors. The law also requires states to establish a system to monitor tobacco sales to minors, including a system to track the percentage of outlets that are in compliance with the law. The Synar Amendment also requires states to develop and implement strategies to reduce tobacco sales to minors, such as increasing the age of purchase, increasing the number of outlets that are inspected, and increasing the penalties for selling tobacco to minors.

The Synar Amendment also requires states to report the results of their inspections to the federal government. The federal government then uses this information to determine if states are in compliance with the law. If a state is not in compliance, the federal government may take action against the state, including withholding federal funds.

Federal regulations

Briefly, the Synar federal regulations require California to:

- Achieve no more than a 20% rate of illegal tobacco sales to minors

- Draw a probability sample among all available retail outlets accessible to youth, and conduct annual, random unannounced inspections. This percentage figure is used to establish whether the state is in compliance with the Synar Amendment. (The 2010 annual percentage rate was 7.7%)
- Determine strategies that would most appropriately meet the requirement of the law (i.e., licensing system, graduated penalties, cigarette vending machine ban, etc.)

State mandates

The California STAKE Act (Business and Professions Code Sections 22950-22961) mandates the following ongoing activities:

- California's Department of Public Health (DPH) – Enforce laws prohibiting the sale, distribution, or provision of tobacco products to persons under 18 years of age.
- Retail sellers – Check the identification of anyone attempting to buy tobacco who appears to be under 18 years of age.
- Investigators from DPH, Food and Drug Branch – Conduct on-site compliance checks with the assistance of minors (15-16 years old) who are granted immunity from prosecution.

- Retailers of tobacco products – Post a warning sign at each point of sale, stating that selling tobacco products to minors is illegal and subject to penalties. Warning signs must include a toll-free telephone number (1-800-5 ASK-4-ID) for customers to report observed tobacco sales to youth under 18 years old. The owner of a business where tobacco is sold or provided to a minor is subject to civil penalties ranging from \$200 to \$6,000.
- All tobacco product distributors and wholesalers – Annually provide DPH with the names and addresses of the tobacco product retailers that they supply.
- Tobacco billboards are not to be positioned within 1,000 feet of schools and public playgrounds.
- The annual transfer of \$2 million from the Department of Alcohol and Drug Programs' SAPT block grant to the Sale of Tobacco to Minors Control Account. These funds are used by DPH to administer the provisions of the Synar Amendment.
- DPH – Prepare an annual report regarding enforcement activities and their effectiveness.
- DPH – Conduct on-site compliance inspections in response to public complaints, or at sites with previous violations (rather than choosing locations solely on a random basis), and investigate illegal sales of tobacco products to minors by phone, mail or internet.

For additional information, contact the Program Services Division, Prevention Services, at (916) 324-4398.